

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JEFFREY LEE, : CIVIL ACTION  
: :  
v. : :  
: :  
CITY OF PHILADELPHIA. : NO. 13-510

**ORDER**

AND NOW, this 26th day of February, 2014, in consideration of Defendant's Second Motion to Dismiss (ECF No. 6) and Plaintiff's response thereto, and having conducted argument with the parties, it is hereby **ORDERED** that:

1. Defendant's Motion to Dismiss is **GRANTED** in part. Counts I, III, IV and V of the Amended Complaint are **DISMISSED** for failure to state a claim.
2. Count II of the Amended Complaint states a claim, and thus, the motion is **DENIED** with respect to this cause of action.
3. Plaintiff may file a Second Amended Complaint within fourteen (14) days of this Order. Should Plaintiff fail to do so, counts I, III, IV and V will be dismissed with prejudice.
4. A Rule 16 conference is scheduled for Monday, March 10, 2014 at 12:30PM, in Courtroom 8B.

BY THE COURT:

/s/ L. Felipe Restrepo  
L. Felipe Restrepo  
United States District Court Judge